

Cornyn RESULTS Amendment to S.744

Requiring Enforcement, Security and safety, & Upgrading Legitimate Trade and travel Simultaneously

- Strengthens border security, national security, and public safety.
- Requires DHS Secretary and GAO Comptroller General to jointly certify that these triggers are met before Registered Provisional Immigrants (RPI) can adjust to Lawful Permanent Resident (“green card”) status:
 1. **100% Situational Awareness** – monitoring capability at every segment of Southern border
 2. **Full Operational Control** – defined as at least a 90% apprehension rate[†] along Southern border
 3. **Biometric Exit System** – fully operational and in use at all air and sea ports of entry to which U.S. Customs and Border Protection is currently deployed; retains current law for land ports
 4. **Nationwide E-Verify System** – must be implemented (identical to S.744)
- Mandates that DHS deploy newly defined border security metrics to gauge success or failure.
- Requires DHS to issue a Southern Border Security Strategy within 120 days to achieve operational control of every sector of the Southern border, and a 50 percent wait-time reduction at land ports of entry.
- Authorizes supplemental and emergency appropriations to improve border security, including \$1 billion per year over 6 years for land port of entry infrastructure improvements and personnel.
- Allows DHS to enter into public-private partnerships to reduce port of entry wait times.
- Increases the number of Border Patrol and Customs Officers by 10,000 over 5 years.
- Authorizes a new grant program to allow Southern border state and local law enforcement agencies to effectively combat drug trafficking, human trafficking, human smuggling, and spillover violence.
- Allows USCIS to share critical information contained in legalization applications with federal law enforcement and national security agencies.
- Prohibits illegal aliens convicted of serious misdemeanors, such as domestic violence, aggravated assault, child abuse, violation of a protection order, and drunk driving, from receiving RPI status.
- Adds new authorities and tougher penalties to combat abusive human smuggling and human trafficking, including a federal money laundering predicate for human smuggling; and increased penalties for aggravated forms of the offense – e.g., involving death, forced labor, or sexual exploitation.
- Strengthens various law enforcement tools to target transnational criminal and terrorist organizations operating on the Southern border.

[†] U.S. Border Patrol grossly undercounts the true number of illegal border crossers for purposes of calculating apprehension rates. This is because their current measurement does not account for crossers who are not tracked by border patrol agents. See LA TIMES, *Radar Shows U.S. Border Security Gaps* (April 3, 2013) (reporting a DHS study showing failure to apprehend approximately half of illegal border crossers), available at <http://articles.latimes.com/2013/apr/03/nation/la-na-border-radar-20130404>. See also COUNCIL ON FOREIGN RELATIONS, *MANAGING ILLEGAL IMMIGRATION TO THE UNITED STATES* (May 2013) (estimating that the true apprehension rate along the southwest land border between ports of entry is likely in the range of 40-55%), available at <http://www.cfr.org/immigration/managing-illegal-immigration-united-states/p30658>. In fact, vast areas of the Southern border are not adequately monitored by DHS. See UNITED STATES GOVERNMENT GENERAL ACCOUNTING OFFICE, *PRELIMINARY OBSERVATIONS ON BORDER CONTROL MEASURES FOR THE SOUTHWEST BORDER* (February 15, 2011), available at <http://www.gao.gov/products/GAO-11-374T>. The Cornyn RESULTS Amendment corrects this glaring error in current calculations by requiring new apprehension rate measurements to be fully informed by technology and situational awareness across the entire Southern border.